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February 10, 2012

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: *New DBSD Satellite Service G.P., Debtor-in-Possession, and
TerreStar Licensee Inc., Debtor-in-Possession, Request for Rule
Waivers and Modified Ancillary Terrestrial Component Authority –
IB Docket No. 11-149 – Written Ex Parte Presentation*

Dear Ms. Dortch:

On February 2, 2012, DISH Network Corporation (“DISH”) filed an *ex parte* letter¹ arguing that its proposed Mobile Satellite Service (“MSS”) ancillary terrestrial component (“ATC”) operations should not be subject to the same build-out obligations that the Federal Communications Commission (“FCC”) imposed on LightSquared in 2010.² Globalstar agrees with DISH that a “one-size-fits-all” build-out condition should not be applied to MSS ATC licensees whose technology choices and business models may vary significantly.

Like terrestrial wireless licensees, MSS ATC operators should be expected to make full, intensive terrestrial use of their licensed spectrum. At the same time, in determining the terrestrial build-out requirements for particular MSS ATC licensees, the FCC should consider the individualized circumstances of those licensees, including their spectrum bands, their equipment and technology options, their business models, and other relevant factors. As DISH indicates, a one-size-fits-all approach that results in “overly aggressive and unrealistic” terrestrial build-out requirements “would likely set [MSS ATC licensees] up for failure or force [them] into unfavorable business arrangements.”³ MSS ATC operators might be forced to rely on less

¹ Letter from Jeffrey H. Blum, Senior Vice President and Deputy General Counsel, DISH Network Corporation, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 11-149 (Feb. 2, 2012) (“DISH *Ex Parte*”).

² See *SkyTerra Communications, Inc., Transferor and Harbinger Capital Partners Funds, Transferee, Applications for Consent to Transfer of Control of SkyTerra Subsidiary, LLC*, Memorandum Opinion and Order and Declaratory Ruling, 25 FCC Rcd 3059, ¶ 56 (2010).

³ DISH *Ex Parte* at 2.

advanced technologies simply to comply with such requirements, rather than utilizing emerging technologies that will provide the greatest public interest benefits to consumers.⁴ In contrast, a flexible approach to MSS ATC build-out obligations would promote the sustainable terrestrial development of MSS spectrum, enhance the economic viability of MSS, and further broadband development in the United States.

Globalstar is deploying its second-generation MSS constellation in the Big LEO band, and it expects to seek authority to provide ATC later this year.⁵ In that context, Globalstar looks forward to addressing the issue of ATC build-out obligations in the Big LEO band, as well as other policy and technical issues related to increased terrestrial flexibility in that band.

Respectfully submitted,

/s/ Regina M. Keeney
Regina M. Keeney

⁴ *Id.* at 2-3.

⁵ Globalstar expects to become the first global LEO MSS voice and data company to have launched a state-of-the-art, second-generation MSS system. Over the past year and a half, Globalstar has launched the first eighteen satellites of its second-generation MSS constellation, and it plans an additional launch of six satellites in 2012. Once operational, Globalstar's state-of-the-art second-generation MSS network should support reliable and effective voice and data services to consumers, public safety personnel, and other customers in the U.S. and internationally.